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INFO RUEHBUL/AMEMBASSY KABUL PRIORITY 7631
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RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1970
RUEHRH/AMEMBASSY RIYADH PRIORITY 5695
RUEHDE/AMCONSUL DUBAI PRIORITY 1649
RUEHKF/AMCONSUL KARACHI PRIORITY 7666
RUEHLH/AMCONSUL LAHORE PRIORITY 3709
RUEHPW/AMCONSUL PESHAWAR PRIORITY 2197
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 004426

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E.O. 12958: DECL: 10/14/2017

TAGS: [PGOV](#) [PREL](#) [PK](#)

SUBJECT: NATIONAL RECONCILIATION ORDINANCE FACES SUPREME COURT SCRUTINY

REF: A. ISLAMABAD 4337

[1](#)B. ISLAMABAD 4382

Classified By: Ambassador Anne W. Patterson, Reasons 1.4 (b), (d)

[1](#)1. (C) Summary: Pakistan's Supreme Court again weighed into the political fray, accepting six opposition petitions against Musharraf's October

Court's Chilling Effect on Ordinance

[1](#)2. (U) A three-judge Supreme Court panel, led by activist Chief Justice Iftikhar Chaudhry, decided October 12 to hear five petitions against M

[1](#)3. (C) The Court has deferred final judgment on the Ordinance's constitutionality to early November. It warned Bhutto and other beneficiaries

Yet Another Court Case

[1](#)4. (U) There appear to be up to six opposition petitioners that will be joined in the one hearing -- Jamaat-i-Islami (JI) chief Qazi Hussain F

[1](#)5. (U) The petitioners will argue that each has been denied a fundamental right under Pakistan's Constitution and that the ordinance is discri

[1](#)6. (C) The Supreme Court has already notified Pakistan's Attorney General and NAB, as well as three friends of the court, to prepare to argue
Court watchers are expecting a much expanded bench to hear the substance of the case. Whomever is chosen to be presiding justice appears to be

Public vs. Private Reaction

[1](#)7. (U) Commenting to the press gaggle outside the Supreme Court October 12, Attorney General Malik Mohammad Qayyum stated that Bhutto was stil

[1](#)8. (C) Later October 12, however, Qayyum privately told A/DCM that he believed the Ordinance was unconstitutional and would be struck down. Qe

[1](#)9. (C) In an October 13 meeting, ruling Pakistan Muslim League (PML) General Secretary Mushahid Hussein assured A/DCM that Bhutto would not fe
He pointed out that Musharraf still retained the constitutional right to pardon convictions and noted that, regarding pending charges, the case

[1](#)10. (C) Hussein also suggested Bhutto should postpone her return, not because of any court case but because of a perceived Musharraf-Bhutto ur

Benazir Will Not Change Plans

[1](#)11. (U) Speaking to the press October 12, Bhutto's attorney Senator Babar Awan stated that the PPP leader would definitely return to Karachi c

[1](#)12. (C) Other PPP contacts relayed to PolOffs October 11 that Bhutto, meeting in Dubai with close confidants, had seriously considered Musharr

[1](#)13. (C) Comment: GOP and PML officials are increasingly concerned about the degree to which Chaudhry's Supreme Court will upset the delicate p
PATTERSON